



6351-01-P

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities: Notice of Intent to Renew Collection

#### 3038-0013, Exemptions from Speculative Limits

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** The Commodity Futures Trading Commission (“CFTC” or “Commission”) is announcing an opportunity for public comment on the proposed renewal of an information collection by the agency. Under the Paperwork Reduction Act (“PRA”), Federal agencies are required to publish notice in the *Federal Register* concerning each proposed collection of information, including proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the Commission’s regulation pertaining to the requirements of qualified persons filing for exemptive relief from aggregation of positions.

**DATES:** Comments must be submitted on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** You may submit comments indicating for “OMB Control No. 3038-0013” by any of the following methods:

- The Agency’s web site, at <http://comments.cftc.gov/>. Follow the instructions for submitting comments through the web site.
- Mail: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581.

- Hand Delivery/Courier: Same as Mail above.

Please submit your comments using only one method.

**FOR FURTHER INFORMATION CONTACT:** Steven Haidar, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418-5611; email: *shaidar@cftc.gov*, and refer to OMB Control No. 3038–0013.

**SUPPLEMENTARY INFORMATION:** Under the PRA, 44 U.S.C. 3501 *et seq.*, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of Information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the *Federal Register* concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

*Title:* Exemptions from Speculative Limits (OMB Control No. 3038-0013). This is a request for an extension of a currently approved information collection.

*Abstract:* Commission rule 150.4 provides that all persons holding a greater than 10 percent ownership or equity interest in another entity can avail themselves of an exemption in rule 150.4(b)(2) to disaggregate the positions of the owned entity. To claim

the exemption, a person needs to meet certain criteria and file a notice with the Commission in accordance with the provisions of the rule. The rules establish reporting and recordkeeping requirements. Rule 150.4(b)(2) (would establish an exemption for a person to disaggregate the positions of a separately organized entity); 150.4(b)(5) (would expand the exemption for independent account controllers to include additional eligible participants); and 150.4(b)(8) (provides an exemption from aggregation where the sharing of information between persons would cause either person to violate federal law).

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.*, permitting electronic submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the

Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup>

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

*Burden Statement:* The Commission's burden estimate for this collection remains unchanged. The respondent burden for this collection is estimated to be as follows:

*Estimated Number of Respondents:* 240.

*Estimated Total Annual Responses:* 340.

*Estimated Average Burden Hours Per Response:* 20.15.

*Estimated Total Annual Burden Hours:* 6850.

*Frequency of Collection:* Once.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: November 13, 2019.

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<sup>1</sup> 17 CFR 145.9.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

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